

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Javier Alvarez del Castillo, Carlos Alberto §
Guzman Huesca, Nora Silvia Castillo §
Individually and as next friend of Juan §
Maximiliano Vazquez Castillo, Denisse §
Guerrero Granado, Juan Eduardo Martinez §
Navarro Individually and as next friend of §
Dibahni Sarai Martinez Guerra, Eduardo §
Azaeil Martinez Guerra, Sandra Edith Duron §
as next friend of Samira Arellano, Jose Luis §
Hernandez Hernandez, Herminio Martinez §
Osorio, Miguel Sanchez Cruz, Arelito §
Martinez Moreles, Lesly Elizabeth Flores, §
Maria Luz Morales Perez, Jose Morales §
Reyes, Beatriz Marquez Leon, Eulalia §
Tomas del Angel and Victorino Perez §
Garces, Luis Javier Mendiola Chavez, §
Anailem Mora Garcia, Aron Garcia Flores §
and Irma Ferral Casados, Cristal Anahi §
Olvera Ramirez, Maria de Jesus Martinez §
Casares, and Eleazar Hernandez Gutierrez, §
as next of friend of Francisco Javier §
Hernandez Martinez, Diana Isabel Vasquez §
Silva as next of friend of Hillario Gutierrez §
Quirino, Guadalupe Pena Galvan as next of §
friend of Jaime Cruz Hernandez and §
additionally as next friend of Hannia §
Alexandra Cruz Pena and Stephanie Lizeth §
Cruz Pena and Grecia Michel Cruz Pena, §
Delfina Natividad Villanueva Loredo as next §
of friend of Jose Roberto Ortiz Marquez, §
Tania Yaren Garcia Acuna as next of friend §
of Jesus Pliego Landa, Maria Teresa §
Rodriguez Pancardo as next of friend of §
Ricardo de Jesus Mercado Rodriguez, §
Patricia Munoz Banda, Josue Abram Munoz, §
Carlos I. Munoz, and Brenda Berenice §
Munoz as next of friend of Luis Carlos §
Munoz Martinez, Maria San Juana Moreno §
Escobar, Marcelino Rios Pecina as next of §
friend of Ulises Rios Pecina Moreno, §
Cesarea Guadalupe Martinez Martinez §
individually and as next friend of Rosario §

CIVIL ACTION NO. _____

Geronimo Diaz, Jose Luis Martinez Nolasco, §
 Juan Ramon Munoz, Ruth Sarahi Cantu §
 Vasquez, Evelyn Marisol Luna Santos, §
 Javier Martinez del Angel, Arcenia Sanchez §
 Luciano, Jesus Guadalupe Camarillo Valdez, §
 Marco Antonio Duarte Medellin, Carlos §
 Alberto Martinez, Delta Alicia Zamora §
 Galvan as next friend of Irving Fernando §
 Zamora Galvan and Jorge Alfredo Zamora §
 Galvan and Jose Luis Zamora Galvan, §
 Leticia Aguilar-Sanchez as next friend of §
 Ignacio Cedillo Aguilar §

PLAINTIFFS §

vs. §

P.M.I. Holdings North America, Inc., P.M.I. §
 Holdings Inc., P.M.I. Comercio Internacional, §
 S.A. de C.V. (Mexico), Pemex Incorporated, §
 Pemex Procurement International Inc., Pemex in §
 its assumed or common name, including all §
 Defendants doing business as Pemex or P.M.I., §
 Pemex Exploration and Production, Inc.; Pemex §
 Refining, Inc.; Pemex Gas and Basic Petro §
 Chemistry, Inc.; Pemex Petro Chemistry; Pemex §
 Corporate; Draeger Safety Inc.; Firebus Systems §
 Inc.; Honeywell Analytics Inc.; Remote Control §
 Inc.; Rotork Control Inc.; Rotork Servo §
 Controles de Mexico SA de C.V.; Rotork U.K. §
 LTD; Kinder Morgan Gas Natural de Mexico; §
 Kinder Morgan Inc.; Kinder Morgan Energy §
 Partners, L.P.; Kinder Morgan Management, §
 LLC; El Pas Pipeline Partners, L.P.; Tennessee §
 Pipeline Inc.; and Tennessee Pipeline Partners, §
 Inc., MSA of Mexico §

DEFENDANTS §

**NOTICE OF REMOVAL OF
DEFENDANT P.M.I. COMERCIO INTERNACIONAL, S.A. DE C.V.**

Defendant P.M.I. Comercio Internacional, S.A. de C.V. files this notice of removal under

28 U.S.C. § 1446.

A. INTRODUCTION

1. Plaintiffs are Javier Alvarez del Castillo, Carlos Alberto Guzman Huesca, Nora Silvia Castillo Individually and as next friend of Juan Maximiliano Vazquez Castillo, Denisse Guerrero Granado, Juan Eduardo Martinez Navarro Individually and as next friend of Dibahni Sarai Martinez Guerra, Eduardo Azaeil Martinez Guerra, Sandra Edith Duron as next friend of Samira Arellano, Jose Luis Hernandez Hernandez, Herminio Martinez Osorio, Miguel Sanchez Cruz, Arelito Martinez Moreles, Lesly Elizabeth Flores, Maria Luz Morales Perez, Jose Morales Reyes, Beatriz Marquez Leon, Eulalia Tomas del Angel and Victorino Perez Garces, Luis Javier Mendiola Chavez, Anailem Mora Garcia, Aron Garcia Flores and Irma Ferral Casados, Cristal Anahi Olvera Ramirez, Maria de Jesus Martinez Casares, and Eleazar Hernandez Gutierrez, as next of friend of Francisco Javier Hernandez Martinez, Diana Isabel Vasquez Silva as next of friend of Hillario Gutierrez Quirino, Guadalupe Pena Galvan as next of friend of Jaime Cruz Hernandez and additionally as next friend of Hannia Alexandra Cruz Pena and Stephanie Lizeth Cruz Pena and Grecia Michel Cruz Pena, Delfina Natividad Villanueva Loreda as next of friend of Jose Roberto Ortiz Marquez, Tania Yaren Garcia Acuna as next of friend of Jesus Pliego Landa, Maria Teresa Rodriguez Pancardo as next of friend of Ricardo de Jesus Mercado Rodriguez, Patricia Munoz Banda, Josue Abram Munoz, Carlos I. Munoz, and Brenda Berenice Munoz as next of friend of Luis Carlos Munoz Martinez, Maria San Juana Moreno Escobar, Marcelino Rios Pecina as next of friend of Ulises Rios Pecina Moreno, Cesarea Guadalupe Martinez Martinez individually and as next friend of Rosario Geronimo Diaz, Jose Luis Martinez Nolasco, Juan Ramon Munoz, Ruth Sarahi Cantu Vasquez, Evelyn Marisol Luna Santos, Javier Martinez del Angel, Arcenia Sanchez Luciano, Jesus Guadalupe Camarillo Valdez, Marco Antonio Duarte Medellin, Carlos Alberto Martinez, Delta Alicia Zamora Galvan as next friend

of Irving Fernando Zamora Galvan and Jorge Alfredo Zamora Galvan and Jose Luis Zamora Galvan, Leticia Aguilar-Sanchez as next friend of Ignacio Cedillo Aguilar.

2. The Defendant filing this Notice of Removal is P.M.I. Comercio Internacional, S.A. de C.V. (“P.M.I. Comercio”), which was incorrectly named in the state-court action as “P.M.I. Comercio International, S.A. de C.V. (Mexico)”.

3. On October 17, 2014, Plaintiff sued defendants in the 127th Judicial District Court of Harris County, Texas for vague claims arising out of an explosion at a facility called the Centro Receptor de Gas y Condensados in Reynosa, Tamaulipas, Mexico that occurred on or about September 18, 2012. The facility is owned by PEMEX Exploración y Producción.

4. Defendant received notice of the lawsuit on November 5, 2014. P.M.I. Comercio files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b). *Bd. Of Regents of Univ. of Tex. Sys. V. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

5. P.M.I. Comercio is a “foreign state” as that term is defined in 28 U.S.C. § 1603(a). Specifically, P.M.I. Comercio is a Mexican corporate entity (Sociedad Anónima de Capital Variable) that is majority owned by the government of the United Mexican States, through its state productive enterprise, Petróleos Mexicanos. P.M.I. Comercio is not a citizen of the United States as defined under 28 U.S.C. § 1332(c) or (e) because it is not incorporated in the United States nor does it have its principal place of business in the United States.

6. Removal is thus proper under 28 U.S.C. § 1441(d) because the statute expressly allow removal of suits against foreign states to “the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(d).

7. Consent of the other Defendants is not necessary because P.M.I. Comercio is a foreign state. *Arango v. Guzman Travel Advisors Corp.*, 621 F.2d 1371, 1375-76 (5th Cir. 1980).

8. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a) and Southern District of Texas Local Rule 81.

9. Venue is proper in this Court under 28 U.S.C. § 1441(d) because this Court is “the district court of the United States for the district and division embracing the place where such [state court] action is pending.” 28 U.S.C. § 1441(d).

10. P.M.I. Comercio will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. CONCLUSION

11. For these reasons, P.M.I. Comercio asks the Court to remove the suit to the United States Federal Court for the Southern District of Texas, Houston Division.

Dated: December 1, 2014

Respectfully submitted,

BY: /s/ Ileana M. Blanco

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**ATTORNEYS FOR P.M.I. COMERCIO
INTERNACIONAL, S.A. DE C.V.**

Certificate of Service

The undersigned certify that a true and correct copy of the foregoing document has been served electronically via the Court's CM/ECF system and email on December 1, 2014 on all current counsel of record.

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